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Filing Date March 1, 2002

First Named Inventor Peter Zatloukal

Art Unit 2617

Examiner Name Rampuria, Sharad K.

Attorney Docket Number 109909-129565

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Schwabe, Williamson & Wyatt, P.C.

Signature

Printed name Robert C. Peck

Date August 24, 2006

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Attorney Reference: 109909-129565
PG No: P017

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Zatloukal et al.

Application No.: 10/087,032

Filed: March 1, 2002

Conf. No.: 6498

For: A WIRELESS MOBILE PHONE
INCLUDING A HEAD SET

Examiner: Rampuria, Sharad K.

Art Unit: 2617

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REPLY TO EXAMINER'S ANSWER

Dear Sir:

Appellants respectfully reply to the Examiner's answer as follows:

(A) In "Response to Argument," part I, the Examiner maintains that claims 12-13 and 19 were properly rejected as unpatentable over Reshefsky in view of Douglas under 35 U.S.C. §103(a). More specifically, on pages 8-9 of the Examiner's Answer, the Examiner asserts that a feature relied upon by the Appellants in their argument (i.e., that "claim 12 inherently requires that one plug be coupled only to the receiver, and the other plug be coupled only to the microphone") is not recited in the rejected claims.

Appellants readily acknowledge that claim 12 does not expressly recite one plug coupled only to the receiver and the other plug coupled only to the microphone.

Claim 12 need not expressly recite those limitations, however, as the limitations are inherently present in the recitations of claim 12.

First, Appellants again note that claim 12 requires that the recited connector have “two plugs respectively coupled to said first earpiece receiver and said microphone.” By reciting that the plugs are respectively coupled, claim 12 inherently requires that one plug be coupled only to the first earpiece receiver, and the other be coupled only to the microphone. If the claim is read to allow each plug to be coupled to both of the earpiece and microphone, the word “respectively” will have been impermissibly read out of claim 12.

Second, Douglas simply does not suggest dedicating one plug to the microphone and the other to the earpiece to eliminate noise/interference and thus improve the quality of user experience. Instead, Douglas teaches input/output interfaces each coupled to both the earpieces and microphones, with a noise reduction apparatus contained within the plug head to reduce noise/interference. Thus, Douglas in fact teaches away from respectively coupling the plugs to the microphone and earpiece by providing a noise/interference reduction apparatus that makes such coupling unnecessary and superfluous.

Further, on page 9 of the Examiner’s Answer, the Examiner provides the connector 22 of Douglas as an example of a connector reading on the connector claimed by claim 12. Appellants respectfully disagree. Connector 22 has two jacks, and each jack is coupled to both a microphone and an earpiece (see contacts 14B, 14C, 15B, and 15C). Accordingly, the two jacks are not “two plugs respectively coupled to said first earpiece receiver and said microphone,” as each jack is coupled to both, not respectively coupled.

(B) In “Response to Argument,” part II, the Examiner maintains that claims 14 and 16 were properly rejected as obvious under 35 U.S.C. §103(a). More specifically, the Examiner notes that Appellants’ arguments are based on the

arguments that the Examiner's §103(a) rejection of claim 12 under Reshefsky and Douglas was improper, and states that those arguments are not persuasive for the reasons provided in part I of the Examiner's Answer.

In response, Appellants continue to maintain that the other references cited by the Examiner do not cure the deficiencies of Reshefsky and/or Douglas discussed above. Accordingly, for at least that reason, claims 14 and 16 are patentable under 35 U.S.C. §103(a).

(C) In "Response to Argument," part III, the Examiner maintains that claims 15 and 17-18 were properly rejected as obvious under 35 U.S.C. §103(a). More specifically, the Examiner notes that Appellants' arguments are based on the arguments that the Examiner's §103(a) rejection of claim 12 under Reshefsky and Douglas was improper, and states that those arguments are not persuasive for the reasons provided in part I of the Examiner's Answer. Additionally, the Examiner asserts that, contrary to Appellants' arguments, Choi does teach the following limitation recited by claim 18 of the present application: "wherein said 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver."

In response, Appellants continue to maintain that Choi does not cure the deficiencies of Reshefsky and/or Douglas discussed above. Accordingly, for at least that reason, claims 15 and 17-18 are patentable under 35 U.S.C. §103(a).

Additionally, Appellants also continue to maintain that Choi does not teach or suggest the above quoted recitation of claim 18. While Choi does indeed teach a 4-port plug with 2 ports capable of transmitting audio inputs, Choi does not disclose that neither of the two input pins are "coupled to the first earpiece receiver." In fact, 2 of the port plugs disclosed by Choi are taught to simply provide power. Thus, the remaining 2 port plugs, the same port plugs cited by the Examiner as transmitting audio inputs, are also the only plugs capable of transmitting audio outputs. Thus, at

least one of these plugs must be coupled to the speaker or ear bud of Choi to provide the user with audio output. And in fact, both plugs of Choi are disclosed as input/output plugs. Thus, Choi simply does not teach a "4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver," as is claimed by claim 18.

Further, Choi does not suggest any such 4-pin plug. Choi teaches away from such a plug by requiring that 2 of the 4 port plugs be power plugs. Accordingly, at least 1 of the remaining 2 must be an input/output plug coupled to the speaker and/or ear bud. One skilled in the art would thus not think to modify the 4 port plug of Choi to make the 2 non-power port plugs into input plugs coupled only to the microphone, and not to the speaker and/or ear bud, as such modifications would render the device incapable of conveying audio outputs to the user.

Conclusion

As Appellant has set forth in the brief, the Examiner has erred in his rejections. Accordingly, Appellant respectfully requests that the Board reverse the Examiner's rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

A handwritten signature in black ink, appearing to read "Robert C. Peck", is written over a horizontal line.

Robert C. Peck, Reg. No. 56,826
Agent for Appellant

Date: August 24, 2006

Pacwest Center
1211 SW Fifth Ave., Ste 1600-1900
Portland, Oregon 97204
Phone: (503) 222-9981,
FAX: (503) 796-2900